

CHAPTER 169

OF THE

Revised Laws of Vermont, 1880,

RELATING TO THE

Traffic in Intoxicating Liquor,

WITH SOME ADDITIONAL SECTIONS.



Published by Authority.

RUTLAND :
TUTTLE & Co., OFFICIAL PRINTERS AND STATIONERS TO THE STATE.
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PREFACE.

THIS pamphlet is published under authority of No. 142, Acts of 1880, Sec. 5. It contains chapter 169 of the Revised Laws and some sections from other parts of the book added for the sake of completeness. We have included also a part of the index of the Revised Laws.

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Commissioners to edit the Revised Laws.

MONTPELIER, July, 1881.

CHAPTER 169.

THE TRAFFIC IN INTOXICATING LIQUOR.

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COMMISSIONER.

When chosen; by whom. Warning. Certificate of votes. G. S. 94, § 2; 1854, No. 56, § 1; 1852, No. 24, § 2.

SEC. 3787. A county commissioner shall be chosen annually on the first Tuesday of March by the voters of the several towns in each county. Notice of the election shall be given by the selectmen of the respective towns, as is provided for town meetings; and a certificate of votes for such commissioner shall be forwarded by town clerks to the clerk of the county in which such towns are situated on or before the second Tuesday in the next April.

Time of voting. Boxes and canvassing votes in cities. 1872, No. 63; G. S. 94, § 3; 1861, No. 37, § 1.

SEC. 3788. The box for receiving votes for commissioner shall be opened not later than twelve o'clock, noon, and remain open until three o'clock in the afternoon. The mayor and board of aldermen of cities shall cause a box to be placed to receive votes for commissioner in each ward of a city, at the annual election in March, at the usual polling places in the wards of such city; and the inspectors of elections in such wards shall canvass the votes for commissioner and make return of the same to the city clerk immediately after the election is held.

Duties of county clerk. G. S. 94, § 2; 1852, No. 24, § 2.

SEC. 3789. The county clerk shall on the second Tuesday in April canvass the votes so returned and declare the person having the greatest number of votes elected commissioner, and shall issue to such person a certificate of his election and make proclamation of such election in one or more newspapers.

Term of office. Compensation. 1863, No. 31, § 1; G. S. 94, § 2; 1861, No. 37, § 2; 1854, No. 55; 1852, No. 24, § 2.

SEC. 3790. A commissioner shall hold his office for one year and until another is chosen in his stead, and shall receive as compensation for services rendered six cents a mile for necessary travel and two dollars a day for time spent in the performance of his duties, to be allowed by the auditor of accounts. No commissioner shall receive for one year more than thirty dollars.

Bribery in appointing agent; penalties. G. S. 94, § 45; 1856, No. 3, § 4.
 39 Vt. 441.

SEC. 3791. If a county commissioner, either directly or indirectly, receives a gift, fee or reward in money or other valuable thing, in consideration of the appointment of a person as agent for the sale of intoxicating liquors, he shall forfeit not less than one hundred dollars and not more than one thousand dollars, with costs of prosecution, and be imprisoned for a term of six months; and a person who pays or offers to pay to such commissioner money or other valuable thing in consideration of an appointment as agent shall be liable to the same penalty.

TOWN AGENTS.

SEC. 3792. A county commissioner, on the first Monday in May annually, or as soon after as is convenient, may appoint an agent for any town in the county, to sell at some convenient place therein intoxicating liquor to be used for medicinal, chemical and mechanical purposes only. The agent shall receive such compensation for his services as the selectmen of the town prescribe; and shall, in the sale of such liquor, conform to such rules as the commissioner prescribes, and shall hold his situation for one year, unless removed by said commissioner or his successor in office. If such appointment becomes vacant the commissioner may appoint another agent for the remainder of the year. No innkeeper or keeper of a house of public entertainment shall be appointed such agent.

Appointment; duties; compensation; term of office. Vacancy. Ineligibility.
G. S. 94, § 4; 1852, No. 24, § 3.
35 Vt. 584. 44 Vt. 9.

SEC. 3793. Such agent shall receive a certificate from the commissioner authorizing him, as the agent of the town, to sell intoxicating liquor for medicinal, chemical and mechanical purposes only; but such certificate shall not be delivered or take effect until he shall, if required by the commissioner, deliver to him a bond to the county, with two sufficient sureties, in the sum of six hundred dollars, in substance as follows:

Certificate of appointment.
G. S. 94, § 7; 1852, No. 24, § 4.
29 Vt. 70.

"Know all men that we, ———, as principal, and ———, as sureties, are holden to the county of ———, in the sum of six hundred dollars, for the payment of which, to said county, we bind ourselves, our heirs, executors, and administrators firmly by these presents.

"Witness our own hands and seals hereto affixed, this ——— day of ———, A.D. ———.

"Provided, if said ——— shall, while he is agent of the town of ———, for selling intoxicating liquor, conform to the provisions of the law relating to the traffic in such liquor, and to the rules respecting the same prescribed by the commissioner of said county, not inconsistent with the provisions of law, this obligation shall be void, otherwise of force."

SEC. 3794. Town agents shall not purchase intoxicating liquor at the expense or credit of the town for which such agent is appointed; but the selectmen of such town shall furnish the agents, at the expense of the town, such liquor; and they shall fix the price at which it shall be sold, and the money received from such sales shall be paid by the agent into the treasury of the town when required by the selectmen.

Selectmen to furnish liquor and fix selling price. Proceeds paid to town treasury.
1870, No. 57; 1863, No. 15; G. S. 94, § 4; 1853, No. 27, § 3; 1852, No. 24, § 3.
39 Vt. 441. 43 Vt. 86.
42 Vt. 189. 44 Vt. 371.
42 Vt. 557.

SEC. 3795. If the selectmen, in fixing the compensation of an agent, make a contract having a tendency to induce him to increase his sales for the purpose of increasing his compensation, or make or agree to make such agent compensation other than in a specific and definite sum of money, every selectman so offending shall forfeit not more than five hundred dollars, and not less than one hundred dollars.

Selectmen not to make compensation contingent; penalty.
G. S. 94, § 6; 1853, No. 27, § 10.

SEC. 3796. If a town agent procures and sells intoxicating liquor in the town for which he is agent without making a contract with the selectmen as to compensation, he shall be liable

Agent acting before compensation fixed, liable.
1864, No. 50.

to the penalties provided for a person becoming a common seller.

Selling at exorbitant profit. Commissioner to annul license.
G. S. 94, § 8; 1853, No. 27, § 8.

SEC. 3797. If the agent of a town sells intoxicating liquor at an exorbitant profit, the commissioner, on application of three legal voters of such town, shall ascertain whether the agent is guilty of so selling, and if so, shall forthwith annul his license.

Complaint to commissioner against agent, hearing on; revoking appointment; prosecuting bond.
G. S. 94, § 17; 1852, No. 24, § 8.

SEC. 3798. When complaint is made to the commissioner that an agent has violated the terms of his license, or has broken the condition of his bond, he shall notify him thereof; and if, on hearing, it appears that such terms have been violated, or that such condition has been broken, he shall revoke his appointment; and upon a breach of the condition of such bond, he shall cause the same to be prosecuted.

Procuring liquor of agent by false statements; penalty.
G. S. 94, § 11; 1855, No. 2, § 3.

SEC. 3799. If a person procures, or attempts to procure, of an authorized agent intoxicating liquor, by falsely representing the purpose for which it is intended to be used, he shall forfeit to the state ten dollars, with costs of prosecution.

PROHIBITION OF THE MANUFACTURE AND SALE OF INTOXICATING LIQUOR.

General prohibition. "Intoxicating liquor" to include what.
1878, No. 45; G. S. 94, § 1; 1852, No. 24, § 1.
28 Vt. 508. 36 Vt. 667.
29 Vt. 70. 37 Vt. 57.
32 Vt. 481. 37 Vt. 657.
33 Vt. 656. 39 Vt. 370.
35 Vt. 584. 44 Vt. 208.

SEC. 3800. No person shall except as otherwise specially provided manufacture, sell, furnish or give away, by himself, clerk, servant or agent, spirituous or intoxicating liquor, or mixed liquor of which a part is spirituous or intoxicating, or malt liquors or lager beer; and the phrase "intoxicating liquors" where it occurs in this chapter shall be held to include such liquors and beer.

"Furnish" construed.
G. S. 94, § 1; 1855, No. 2, § 1.

The word "furnish" where it occurs in this chapter shall apply to cases where a person knowingly brings into or transports within the state for another person intoxicating liquor intended to be sold or disposed of contrary to law, or to be divided among or distributed to others.

"Give away," application limited.
G. S. 94, § 1; 1853, No. 27, § 1.
34 Vt. 323. 44 Vt. 208.

The words "give away" where they occur in this chapter shall not apply to the giving of intoxicating liquor at private dwellings, or their dependencies, unless given to an habitual drunkard, or unless such dwelling or its dependencies become a place of public resort.

At certain assemblages.
G. S. 94, § 1; 1858, No. 31.

But no person shall furnish or give away intoxicating liquor at an assemblage of persons gathered to erect a building or frame of a building, or to remove a building or at a public gathering for amusement.

Communion wine. Cider, native wine; fermented liquor for maker's use.
1874, No. 29; G. S. 94, §§ 1, 18; 1852, No. 24, §§ 1, 9.

Nothing in this chapter shall prevent the manufacture, sale and use of wine for the commemoration of the Lord's supper, nor the manufacture, sale and use of cider, or, for medical purposes only, of wine made in the state from grapes or other fruits the growth of the state and which is without the admixture of alcohol or spirituous liquor, nor the manufacture by any one for his own use of fermented liquor.

Selling cider, &c., in public resort or to drunkard.

But no person shall sell or furnish cider or fermented liquor at or in a victualling house, tavern, grocery, shop, cellar, or

other place of public resort, or at any place to an habitual drunkard.

SEC. 3801. ' Payments or compensations for liquors sold in violation of law, whether in money, labor, or personal property, shall be held and considered to have been received in violation of law, without consideration, and against law, equity, and good conscience, and may be recovered back, it being alleged in the declaration that the money, labor, or personal property so held was received and is held to the use of the plaintiff; no action of any kind shall be had or maintained in any court, for the recovery or possession of intoxicating liquor, or the value thereof, except such as is sold or purchased in accordance with the provisions of this chapter.

SEC. 3802. If a person by himself, clerk, servant or agent, sells, furnishes or gives away; or owns, keeps or possesses with intent to sell, furnish or give away, intoxicating liquor or cider in violation of law, he shall forfeit for each offense to the state, upon the first conviction ten dollars and costs of prosecution; on the second conviction he shall forfeit for each offense twenty dollars and costs of prosecution, and shall also be imprisoned one month; and on the third and subsequent convictions he shall forfeit for each offense twenty dollars and the costs of prosecution, and shall also be imprisoned not less than three months nor more than six months.

SEC. 3803. Justices shall have concurrent jurisdiction with the county court in prosecutions under the preceding section, and the same may be tried upon the complaint of the grand juror of the town, or of the state's attorney, before a justice, or upon the information of the state's attorney, before the county court. Such forfeiture may also be recovered in an action of debt in the name of the state, and the state's attorney shall institute and prosecute such action, on being informed of such offense and furnished with evidence thereof, unless it is otherwise prosecuted for.

SEC. 3804. In prosecutions under said section the prosecuting officer shall allege in the complaint, information, or indictment, known prior convictions under said section to the number of two, and upon trial shall make proof of the same, and in case of a wilful failure so to do shall be liable to the provisions of and the penalty prescribed by section 3617 [§ 3852].

SEC. 3805. In such prosecutions the respondent, if he pleads guilty, shall state in his plea the number of offenses of which he is guilty; and the prosecuting officer, under the direction of the court, may accept the plea for such number of offenses, or may put the respondent on trial, in his discretion; and in such prosecutions, no more than one count shall be required, and no costs shall be allowed to a state's attorney, or taxed against a respondent, for additional counts.

SEC. 3806. When a person is prosecuted, either by complaint, indictment, or information, for selling, furnishing, or giving away intoxicating liquor, if such person appears before the court wherein such prosecution is pending and pleads guilty

G. S. 94, § 18; 1853, No. 27, § 9.
34 Vt. 323. 48 Vt. 12.

Recovery, for payment on illegal sale; none for liquor or value.

G. S. 94, § 32; 1852, No. 24, § 21.
31 Vt. 529. 43 Vt. 542.
31 Vt. 547. 47 Vt. 423.
31 Vt. 709. 47 Vt. 702.
32 Vt. 110. 48 Vt. 176.
32 Vt. 481. 48 Vt. 298.
32 Vt. 828. 50 Vt. 341.
40 Vt. 145. 52 Vt. 424.
41 Vt. 655.

Penalty for selling, furnishing, giving away; and for keeping with intent to sell.
1876, No. 36; G. S. 94, §§ 9, 13, 18; 1854, No. 56, § 2; 1853, No. 27, § 9; 1852, No. 24, § 5.
47 Vt. 297. See also cases cited under § 3800.

Jurisdiction. Prosecuting officer. Action of debt also given.
G. S. 94, § 15; 1852, No. 24, § 6.

Alleging prior convictions.
1872, No. 24, § 1.
35 Vt. 570.

Plea of guilty to state number of offenses; may be accepted or rejected; one count.
G. S. 94, § 14; 1858, No. 30.

On plea of guilty of offenses, unless specified, held committed when alleged.
G. S. 94, § 37; 1855, No. 3.
35 Vt. 565. 49 Vt. 437.

to the offenses charged, and judgment is rendered thereon for the penalty, such offenses shall be held to have been committed on the days specifically set forth in such complaint, indictment, or information, unless the respondent, at the time of pleading guilty, specifies some other days on which such offenses were committed, in which case an entry thereof shall be made upon such complaint, indictment, or information, and become a part of the record.

Judgment thereon no bar for offenses other than ones specified or alleged.

G. S. 94, §§ 38, 39; 1855, No. 3, §§ 2, 3. 35 Vt. 565. 49 Vt. 437.

SEC. 3807. The judgment rendered in such proceedings on plea of guilty shall not be a bar to subsequent prosecutions for other offenses than the ones specified in the complaint, indictment or information, or by the respondent, whether committed on the same day or before or after it. And if on subsequent proceedings against the same person for a like selling, furnishing or giving away of intoxicating liquor it appears that such person had been guilty thereof at other times than those specified in the former proceedings, he may be proceeded against therefor as though such other offenses had been committed subsequent to such former judgment.

When pleadings end in demurrer and decision is against respondent; proceedings. 1870, No. 53.

SEC. 3808. In prosecutions under section 3572 [§ 3802], if the pleadings terminate in a demurrer and the decision of the court is against the respondent, unless the court in its discretion allows the respondent to withdraw his pleadings and plead anew, it shall, upon the demand of the prosecuting officer, ascertain, and by a jury, if demanded by the respondent or should the court so order, the number of offenses of which the respondent is guilty, and enter judgment accordingly.

Selling, &c., adulterated liquor; penalty. G. S. 94, § 12; 1855, No. 2, § 4.

SEC. 3809. If a person by himself, clerk, servant or agent, or if an authorized agent of any town, knowingly sells, furnishes, gives away or distributes to others intoxicating liquor which is impure or adulterated he shall forfeit to the state not less than ten dollars and not more than three hundred dollars.

PENALTY FOR BECOMING A COMMON SELLER.

Common seller or manufacturer. Penalty, how and when recovered. Jurisdiction. G. S. 94, § 18; 1852, No. 24, § 9. 47 Vt. 287. 47 Vt. 493.

SEC. 3810. A person who is a common seller of intoxicating liquor without being appointed agent as hereinbefore provided, or a manufacturer thereof, shall on the first conviction thereof forfeit to the state one hundred dollars and costs of prosecution; for the second, and every subsequent conviction, two hundred dollars on each conviction; and on being convicted thereof the third, or any subsequent time, he shall also be imprisoned not less than four nor more than twelve months; such forfeiture to be recovered, and such penalty to be inflicted, upon complaint of the grand juror of the town where the offense is committed, or upon the information of the state's attorney, or upon an indictment found by the grand jury of the county; but if not so prosecuted within one year after the offense is committed, such forfeiture and payment may be recovered by an action of debt in the name of the state by a person prosecuting for the same, one-half to go to such person and one-half to the state. Justices shall have concurrent jurisdiction with the county court of prosecutions under this section.

SEC. 3811. No person shall be convicted as a common seller under the preceding section unless the number of sales exceeds five nor when the number of offenses proved or confessed exceeds ten, but in such cases the respondent shall be fined for each distinct act of selling, furnishing or giving away as provided in section 3572 [§ 3802]. No conviction as a common seller shall be a bar to a subsequent conviction for offenses other than those for which the respondent was convicted as a common seller, whether such offenses were committed on the same day or different days.

Conviction under § 3810, limited as to number of offenses. As a bar. G. S. 94, § 19; 1856, No. 2.

PROCEEDINGS AGAINST A PERSON FOUND INTOXICATED.

SEC. 3812. If a person is found intoxicated he shall on conviction thereof pay a fine of five dollars to the state, with costs of prosecution, provided the prosecution is commenced within thirty days after the offense is committed.

Prosecution; penalty. G. S. 94, § 10; 1855, No. 2, § 2. 46 Vt. 374. 47 Vt. 294.

SEC. 3813. When a person is convicted of the crime of being found intoxicated or of intoxication, if the court before whom the conviction is had shall consider it advisable to put the respondent upon his good behavior, such court may delay issuing a mittimus against such respondent for such length of time as such court shall consider for the best good of the public and the respondent, and if such court shall thereafter consider that the public good or the well being of the respondent requires, he may issue a mittimus for the commitment of such respondent and the mittimus so issued shall have all the force and be subject to the same provisions as if issued within twenty-four hours after the time of conviction, provided that such mittimus shall not issue unless issued within two years from such conviction.

Delaying issue of mittimus. Proceedings thereafter. 1880, No. 16.

SEC. 3814. When a person is found in such a state of intoxication as to disturb the public or domestic peace and tranquillity, a sheriff, deputy sheriff, high bailiff, or justice, for the county, or a constable, grand juror, or selectman, of the town, in which such person is so found, shall apprehend such person so intoxicated, and may do so without warrant, and take and retain him in custody, at the expense of the state, in any place within the county, in the discretion of such officer, until, in the opinion of such officer, the person so detained is capable of testifying properly in a court of justice, and as soon as may be thereafter bring him before some justice of the county.

Summary arrest of drunken disturber; proceedings. 1876, No. 34; G. S. 94, § 33; 1852, No. 24, § 22. 25 Vt. 261.

SEC. 3815. The officer immediately after the arrest shall give notice thereof and of the taking of the disclosure of such intoxicated person to a grand juror or city attorney of the town or city in which such intoxicated person is found so intoxicated, or the state's attorney of the county, and such grand juror, or such city attorney or state's attorney, shall attend at the taking of such disclosure.

Prosecuting officer to be notified and attend. 1874, No. 28.

SEC. 3816. The person so found intoxicated shall, on oath before such justice, disclose the place where and the person of whom the liquor so producing intoxication was obtained and the circumstances attending it; and if he does not disclose, he

Proceedings on disclosure. Warrant, when to issue; proceedings thereon. 1876, No. 34; 1874, No. 28; G. S. 94, § 33; 1852, No. 24, § 22.

25 Vt. 261. 46 Vt. 176.
27 Vt. 318. 46 Vt. 374.

may be committed by the justice to the jail of the county, at the expense of the state, until he so discloses or by said justice is discharged. If the justice adjudges from the evidence that the sale, furnishing, or giving away of said liquor was an offense against this chapter, he shall forthwith issue his warrant and cause the person so selling, furnishing, or giving away said liquor, to be brought forthwith before him, and the grand juror, city or state's attorney, summoned as provided in the preceding sections shall appear and prosecute said cause in the same manner as if he had been complainant in the same.

Prior convictions
proved to affect sen-
tence; record.
1872, No. 24, § 2.

SEC. 3817. In such prosecution upon disclosure if the person convicted has been once or more times convicted of a similar offense, the justice, on production of the records or certified copies of the records of former convictions, shall sentence such offender as for a second or third conviction, as the case may be, without other pleadings; and the justice in making his record shall state the facts of the former convictions and the dates of the same, which shall be a sufficient record of said conviction and sentence.

SEIZURE AND CONDEMNATION OF LIQUOR.

Sworn complaint of
three voters. Warrant
to search; seizure;
keeping.
G. S. 94, § 1, 22; 1855,
No. 2, § 1; 1852, No.
24, § 12.
27 Vt. 194. 38 Vt. 387.
27 Vt. 328. 44 Vt. 9.
29 Vt. 343. 44 Vt. 208.
31 Vt. 610. 47 Vt. 407.

SEC. 3818. If three voters in a town make complaint, under oath or affirmation, before a justice in the county, that they have reason to believe and do believe that intoxicating liquor is kept or deposited in a dwelling house, store, shop, steamboat, or water craft of any kind, depot, railroad car, or land carriage of any kind, ware-house or other building or place in said town, and intended for sale, or distribution among others, by a person not authorized to sell or distribute the same, said justice shall issue a warrant to any sheriff or constable to search the premises described in such complaint; and if intoxicating liquor is found therein under circumstances warranting the belief that it is intended for sale or distribution contrary to the provisions of this chapter, such officer shall seize the same and convey it to some proper place of security and keep it until final action is had thereon.

Summons; hearing.
Forfeiture; delivery
unless. Condemnation;
destruction. Proof.
1874, No. 26; 1869,
No. 4, § 2; G. S. 94,
§ 2; 1853, No. 27, §§ 4,
5; 1852, No. 24, § 12.
44 Vt. 208. 48 Vt. 572.
48 Vt. 565.

SEC. 3819. The officer shall summon the owner or keeper of the liquor, if known to him, to appear forthwith before the justice issuing the warrant; and if it is shown by satisfactory evidence that said liquor is intended for sale or distribution contrary to the provisions of this chapter, unless such liquor is of foreign production and has been imported under the laws of the United States, and in accordance therewith, and is contained in the original packages in which it was imported, in quantities not less than the laws of the United States prescribe, such liquor and the casks or vessels in which it is contained shall be adjudged forfeited to the use of said town, and the same shall be delivered by such officer to the agent of such town, or if there is no agent to the selectmen, to be sold by him or them agreeably to the provisions of this chapter, unless such agent or selectmen on examination consider the same to be unfit either for medicinal, chemical or mechanical purposes

and make a certificate to that effect upon said warrant, and thereupon the same shall be adjudged condemned, and shall be destroyed under a written order of said justice, and in his presence, or in the presence of some person appointed by him and named in said order for that purpose, who shall join with the officer executing such order in certifying, upon the back thereof, the execution of the same; and the custom house certificate of importation, and proof of marks on the cask or packages in which such liquor is contained corresponding thereto, shall not be received as evidence that the liquor contained in such packages is that actually imported therein.

SEC. 3820. If the owner, keeper or possessor of liquor so seized is unknown to the officer, it shall, upon being adjudged forfeited, be advertised, with the number and description of the casks or packages, by posting up in some public place for two weeks a written notice of the proceeding. And if it appears within two weeks that said liquor is the property of a town in this state, and was so when seized, and had been purchased for sale by the agent of such town for medicinal, chemical and mechanical purposes only, the officer having the custody of such liquor shall, upon the order of such justice, deliver the liquor to the agent of the town whose property it is, taking his receipt for the same upon the back of said order, which he shall thereupon return to said justice; and if it does not so appear, such liquor shall be proceeded with as provided in the preceding section.

Notice if owner unknown. If property of a town, delivery when; if not, proceedings. G. S. 94, § 23; 1852, No. 24, § 13. 31 Vt. 610.

SEC. 3821. A sheriff, sheriff's deputy, constable, selectman or grand juror, if he has information that intoxicating liquor is kept with an intention to sell, or is sold in any tent, shanty, hut, or place of any kind for selling refreshments in a public place, except dwelling houses, on or near the ground of a cattle show, agricultural exhibition, military muster or public occasion of any kind, shall search such suspected place without warrant; and if such officer finds upon the premises intoxicating liquor, he shall seize the same and apprehend the keeper of such place and take him, with the liquor so seized, forthwith or as soon as conveniently may be, before a justice of the town in which the same is found; and thereupon such officer shall make a written complaint under oath, and subscribed by him, to such justice; and upon proof that the liquor is intoxicating, and that the same was found in the possession of the accused in a tent, shanty, or other place, with an intention to sell, he shall be sentenced to imprisonment for thirty days, and the liquor seized shall be adjudged forfeited and disposed of by order of said justice as before provided in this chapter.

Search without warrant; seizure and arrest; proceedings. G. S. 94, § 25; 1852, No. 24, § 15.

SEC. 3822. When the owner, keeper or possessor of intoxicating liquor, seized under the provisions of this chapter, appears to make claim to such liquor, he shall file with the justice or court before whom the proceedings are pending, his claim in writing, setting forth his interest in the liquor and the causes why it should not be adjudged forfeited.

Claimant to file claim. 1870, No. 56, § 1.

Recognizance to prosecute claim.
1870, No. 56, § 2.

SEC. 3823. The claimant shall, at the time of filing his claim with the court, enter into a recognizance to the state, with sufficient sureties, in such sum as the court directs, conditioned that he will prosecute his claim to effect and pay the costs awarded against him.

Recognizance on appeal.
1870, No. 56, § 3; G. S. 94, § 25; 1852, No. 24, § 15.

SEC. 3824. No appeal shall be allowed to the claimant from the judgment of the court, until he enters into a recognizance to the state, with sufficient sureties, in such sum as the court directs, conditioned that he will prosecute his appeal to effect and pay the costs awarded against him.

Judgment, if against claimant.
1870, No. 56, § 4; G. S. 94, § 25; 1853, No. 27, § 6; 1852, No. 24, § 15.

SEC. 3825. If the judgment is against the claimant, the liquor and the casks or vessels containing the same shall be adjudged forfeited, as before provided, and judgment shall be rendered in behalf of the state against the claimant for all costs of prosecution incurred after the filing of his claim, to be taxed by the court.

Appellant not prevailing, order for disposal of liquor.
G. S. 94, § 26; 1852, No. 24, § 16.

SEC. 3826. When the appellant, in a case arising under this chapter, fails to enter and prosecute his appeal, or is convicted, the county court to which such appeal is taken, or the court in which such appeal is finally decided, shall order the liquor seized upon the original complaint, or complaint and warrant, to be disposed of forthwith under the order of such court, as in case of liquor adjudged forfeited under an order of a justice.

When liquor seized is replevied; custody and disposal of.
G. S. 94, § 40; 1858, No. 10, § 1.
44 Vt. 9. 47 Vt. 407.
46 Vt. 395.

SEC. 3827. When liquor seized by an officer as intoxicating is taken from his possession by a writ of replevin, it shall not be delivered to the claimant, but shall be held by the replevying officer until the final determination of the replevin suit; whereupon the same shall be delivered to the plaintiff in the replevin, if the judgment is for him, but otherwise it shall be delivered to the defendant in the replevin, or to such officer as has authority to hold or destroy the same under the original seizure proceedings.

Replevin not to delay proceedings.
G. S. 94, § 41; 1858, No. 10, § 2.
46 Vt. 395. 47 Vt. 407.

SEC. 3828. No proceedings, except final execution, on seizure of intoxicating liquor, shall be delayed by a replevin thereof, but such proceedings shall go on to final judgment as if no replevin had been commenced.

Liquor used in certain arts or trades.
G. S. 94, § 24; 1852, No. 24, § 14.

SEC. 3829. Nothing in this chapter shall prevent a chemist, artist, or manufacturer, in whose art or trade it may be necessary, from keeping at his place of business such reasonable quantity of distilled liquor as he has occasion to use in his art or trade, but not for sale.

PENALTY FOR TRANSPORTING INTOXICATING LIQUOR OR SOLICITING ORDERS THEREFOR.

Bringing, procuring or transporting liquor for illegal use; penalty.
G. S. 94, § 44; 1856, No. 3, § 3.

SEC. 3830. If a person knowingly brings within the state, for another person excepting authorized agents, intoxicating liquor to be used or disposed of in violation of law, or knowingly procures or transports for another person, or knowingly aids, assists or abets in procuring or transporting intoxicating liquor to be used or disposed of in violation of law, he shall forfeit twenty dollars and costs of prosecution, on the first

conviction, and on the second and each subsequent conviction fifty dollars and costs, and be imprisoned not less than three nor more than ten months.

SEC. 3831. If a railroad conductor, freight agent, expressman, depot master, or other person in the employment of, or connected with, a railroad corporation, or a teamster, stage driver, or common carrier, either in his own person or by an agent, knowingly brings into or delivers within the state, for another person, a barrel, cask, jug, box, or other vessel capable of holding intoxicating liquor, unless said barrel or other vessel is legibly marked with the name of the person to whom the article is sent, or to be delivered, the person so offending shall be fined not less than twenty-five dollars and costs of prosecution.

Carriers bringing or delivering unmarked barrel, &c.; penalty. 1868, No. 16.

SEC. 3832. A person who acts as the agent of another person, for the sale of intoxicating liquor, or who travels from place to place, selling, furnishing, disposing of or giving away intoxicating liquor, for another person, or who takes an order for another person, or who is instrumental in causing an order to be sent to another person, other than an authorized agent for the sale of intoxicating liquor, for intoxicating liquor, or who, directly or indirectly, aids, abets or assists another person to sell, furnish or give away, or dispose of intoxicating liquor, or who carries or exhibits or causes to be exhibited, a sample of intoxicating liquor, or gives, states, shows or indicates the price of the same, with a view to induce a person to purchase such liquors, as said sample represents, shall forfeit upon the first conviction, one hundred dollars and costs of prosecution; on the second conviction, three hundred dollars and costs of prosecution; and on the third and subsequent convictions, five hundred dollars and the costs, and be imprisoned not more than six months; but this section shall not prevent the selectmen from purchasing intoxicating liquor for the purposes set forth in this chapter.

Acting as agent for dealer, soliciting orders, aiding in selling, &c.; penalty. 1874, No. 25, § 1.

CIVIL DAMAGE.

SEC. 3833. When a person, by reason of intoxication, commits or causes an injury upon the person or property of another, a person who by himself, clerk, or servant, unlawfully sold or furnished any part of the liquor causing such intoxication, shall be liable to the party injured for the damage occasioned by the injury so done, to be recovered in the same form of action as such intoxicated person would be liable to; and both such parties may be joined in the same action. In case of the death or disability of a person, either from such injury or in consequence of intoxication from the use of liquors so unlawfully furnished, a person who is in any manner dependent on such injured person for means of support, or a person on whom such injured person is dependent, may recover from the person unlawfully selling or furnishing any of such liquor the damage or loss sustained in consequence of such injury. Coverture or infancy shall be no bar to proceedings

Seller liable for what and to whom; proceedings. 1874, No. 27; 1869, No. 4, § 3. 47 Vt. 537. 49 Vt. 426. 48 Vt. 628. 50 Vt. 162.

for recovery, and no person shall be disqualified as a witness, by reason of the marriage relation, in a proceeding under this section.

Seller's liability to wife or child of man imprisoned for drunken act.
1880, No. 15, § 1.

SEC. 3834. Whenever any person is confined in jail, the house of correction or state's prison, by reason of intoxication or of any criminal act done while intoxicated, the wife of such person in her own name and, in case such person has no wife, his minor child or children, may in an action on the case upon this statute recover of the person who by himself, clerk, servant or agent, illegally sold, furnished or gave to such person any part of the intoxicating liquor upon which such person became intoxicated, the sum of one dollar per day for all the time such person may be thus confined, to be recovered at the end of such confinement or at the end of each month of such confinement.

Judgment; close jail execution.
1880, No. 15, § 2.

SEC. 3835. When any judgment is rendered by any court in an action founded on section one of this act [§ 3834], such court shall adjudge that the action was founded on tort and that the cause of action arose from the wilful and malicious act or neglect of the defendant, and shall order that he be confined in close jail upon a close jail execution.

ABATEMENT OF NUISANCES UNDER THIS CHAPTER.

Common nuisance, what held to be.
1880, No. 14, § 1; 1876, No. 33, § 1.
50 Vt. 445. 52 Vt. 471.
50 Vt. 644. 52 Vt. 476.

SEC. 3836. Every saloon, restaurant, grocery, cellar, shop, billiard-room, bar-room and every drinking place or room used as a place of resort, where intoxicating liquor is unlawfully sold, furnished or given away, or kept for selling, furnishing or giving away unlawfully, and every place or room used or resorted to for gambling, shall be held to be a common nuisance, kept in violation of law.

On proof adjudged such, ordered shut up and abated. Penalty for keeping.
1880, No. 14, § 2; 1876, No. 33, §§ 2, 3.

SEC. 3837. When, upon trial, it is proved that intoxicating liquor is kept for unlawful sale, furnishing or giving away, or is unlawfully sold, furnished or given away in a place named in the preceding section, or that gambling is done in such place, the court shall adjudge such place to be a common nuisance, and the same shall be shut up and abated by the order of the court; and the person keeping the same shall be adjudged by the court guilty of keeping and maintaining a common nuisance, and shall be fined not less than twenty dollars nor more than two hundred dollars, or he shall be liable to a fine not exceeding twenty dollars, and imprisonment not less than one month, nor more than three months, in the discretion of the court.

Order for abatement.
1880, No. 14, § 3; 1876, No. 33, § 5.

SEC. 3838. Upon the conviction of the respondent for keeping and maintaining such common nuisance, the court shall in addition to the ordinary mittimus in criminal cases, issue an order for the shutting up and abatement of such nuisance.

Place again abated.
1880, No. 14, § 4; 1876, No. 33, § 5.

SEC. 3839. The same place shall be again shut up and abated in the same manner, on any subsequent conviction of any person of keeping the same as a common nuisance.

Closed till bond given; penalty.
1880, No. 14, § 5; 1876, No. 33, § 2.

SEC. 3840. The place so closed shall not be re-opened by the person convicted as the keeper thereof until he files with the court a bond to the state, with sufficient surety or sureties,

in the sum of not less than three hundred dollars nor more than five hundred dollars, conditioned that he will not thereafter keep for unlawful sale, furnishing or giving away, nor unlawfully sell, furnish or give away therein intoxicating liquor, nor suffer gambling to be done therein. And if the person so convicted re-opens or re-occupies such place before giving such bond, he shall be liable to a fine of ten dollars, payable to the state, for each day in which he keeps open such place before giving such bond, with costs of prosecution.

SEC. 3841. The state's attorney, when such a bond is forfeited, shall prosecute and recover the amount so forfeited, on behalf of the state, and when such duty is neglected by the state's attorney for six months after being notified of such forfeiture, any other person may institute proceedings for such recovery in an action of debt in the name of the state, and such person upon the recovery and the payment of such amount into the state treasury, shall be allowed one-half of the amount thereof.

Prosecution of bond.
1880, No. 14, § 6; 1876,
No. 33, § 2.

SEC. 3842. A person, being a tenant or occupant of a building or tenement not owned by him, who uses it or any part thereof for any purpose named in the first section of this act [§ 3836], shall forfeit his right thereto, and the owner thereof may make immediate entry without process of law, or may have the same action against such tenant or occupant for the possession that he might by law have against a tenant holding over after the expiration of a lease or after a breach in the conditions of a lease, or may enforce his right to the possession by any other proper lawful process, and may recover of such tenant all damages arising from the termination of such tenancy in an action on the case.

Tenant keeping nuisance, owner's rights.
1880, No. 14, § 7.

SEC. 3843. A person who knowingly lets a building, tenement, place or room, owned by him, or under his control, for any of the purposes named in the first section of this act [§ 3836], or knowingly permits the same or part thereof to be so used, shall be fined not less than twenty dollars, nor more than two hundred dollars.

Lessor permitting nuisance, penalty.
1880, No. 14, § 8.

SEC. 3844. Justices of the county shall have concurrent jurisdiction with the county court of offenses under sections two and five and eight of this act [§§ 3837, 3840, 3843]. All fines and penalties recovered under this act, except as herein provided, shall go to the state.

Jurisdiction. Disposal of fines.
1880, No. 14, § 9;
1876, No. 33, § 4.

SEC. 3845. The phrase "intoxicating liquor," where used in this act [§§ 3836 to 3845, 3865, 3866,] shall be held to include all spirituous intoxicating liquors, or mixed liquor of which a part is spirituous or intoxicating, all malt liquors and lager beer. The word "gambling" where used in this act [§§ 3836 to 3845, 3865, 3866,] shall be held to include all playing at cards, dice tables, billiards, or any other game for money or other valuable thing.

"Intoxicating liquor" and "gambling" construed.
1880, No. 14, § 12.

MISCELLANEOUS.

Liquor dealer's disability as juror.
G. S. 94, § 20; 1852, No. 24, § 10.

SEC. 3846. No person engaged in unlawful traffic in intoxicating liquor shall sit upon a jury in a case arising under this chapter, and when information is communicated to the court that a member impaneled upon such jury is believed to be engaged in such traffic, the court shall inquire of him as to the truth thereof; and no answer that he makes shall be used against him in a case arising under this chapter; but he may decline to answer, and in that case he shall be discharged from the panel; and if he answers falsely, he shall be incapable of serving upon any jury thereafter. But no verdict against a respondent shall be vitiated because such person was upon the jury by which it was rendered.

Order of trial; nol. pros. or continuance.
1872, No. 24, § 1; G. S. 94, § 21; 1852, No. 24, § 11.

SEC. 3847. Cases arising under this chapter shall take precedence of other trials in the court in which they are pending, except those in criminal cases where the respondents are under arrest; and neither the court nor prosecuting officer shall enter a *nolle prosequi*, or grant a continuance in a case arising under this chapter, either before or after the verdict, except where in their opinion the purposes of justice require it.

Prior conviction to be alleged; how.
G. S. 94, § 28; 1852, No. 24, § 18.
35 Vt. 570. 36 Vt. 667.

SEC. 3848. In prosecutions for offenses against the provisions of this chapter where a prior conviction is relied upon to increase the sentence, it shall be set forth in the complaint, information, or indictment; and it shall be sufficient in such case to set forth in substance the fact of such prior conviction, the offense for which the conviction was had, and the time and place at which, and the court by and before which it was had.

Grand jury to present.
G. S. 94, § 35; 1852, No. 24, § 24.

SEC. 3849. Grand juries shall inquire into and present the violations of this chapter not otherwise prosecuted as hereinbefore provided.

Jury trial; special verdict.
G. S. 94, § 36; 1853, No. 27, § 7.

SEC. 3850. In trials for offenses against this chapter the respondent may have a trial by jury and upon such trial the jury on conviction shall return a special verdict in cases where it is necessary to enable the court to pass the proper sentence.

Official neglect; penalty.
G. S. 94, § 42; 1856, No. 3, § 1; 1853, No. 21, § 6; 1852, No. 24, § 23.

SEC. 3851. When a justice, grand juror, constable, selectman, county commissioner, sheriff, sheriff's deputy, state's attorney or other officer whose duty it is to enforce any of the provisions of this chapter, does not, on proper application being made to him, perform faithfully his duties as specified in this chapter he shall be prosecuted by indictment or information of the state's attorney and fined not more than one hundred dollars and not less than twenty dollars.

State's attorney settling; penalty.
1856, No. 3, § 2; 1853, No. 27, § 6; 1852, No. 24, § 25.

SEC. 3852. If a state's attorney, having charge of a case for the violation of the provisions of this chapter, settles or offers to settle with or release the respondent in such case, before the court determines the same, he shall be fined not more than five hundred dollars and not less than three hundred dollars.

SEC. 3853. If a town, by its treasurer or selectmen, or otherwise, directly or indirectly refunds or pays back to a person a fine or money received for the violation of this chapter, such town shall forfeit one hundred dollars; and the state's attorney shall prosecute for the same.

Town refunding fine; penalty.
G. S. 94, § 46; 1856, No. 4, § 2.

SEC. 3854. In prosecutions before a justice for violations of the provisions of this chapter, the costs shall be audited and allowed by the court auditor for the county and paid from the state treasury as provided in other cases, where, in prosecutions before a justice, the costs are to be paid out of the state treasury.

Accounts, how audited.
See §§ 224, 229, 4608.
G. S. 94, § 47; 1856, No. 4, § 1.

SEC. 3855. One-fourth of the fines mentioned in sections 3561, 3569, 3572, 3579, 3582, 3599, 3616 and 3617 [§ 3791, 3799, 3802, 3809, 3812, 3830, 3851, 3852] shall go to the complainant when complaint is made, otherwise to the prosecuting officer.

One-fourth of fine to prosecutor.
1869, No. 3.

SEC. 3856. In prosecutions under this chapter no person other than the respondent shall be excused from testifying because his testimony may criminate or tend to criminate himself. Such testimony shall not be used against the person giving it in any proceeding against him, civil, or criminal, except in a prosecution for perjury committed in giving such testimony.

Witness's testimony criminating himself.
1876, No. 35.

SEC. 3857. Complaints, informations or indictments and declarations in actions of debt, founded on the provisions of this chapter, may be amended before or on trial by the court before which the same is pending, whether by original entry or appeal, except as to matters of substance.

Amendments allowed.
1870, No. 56, § 5.
36 Vt. 563.

FEES.

SEC. 3858. In addition to the fees now allowed by law thirty-four cents shall be allowed to the justice for making a bond required by this chapter, thirty-four cents for an order for the forfeiture or destruction of liquor, fifty cents for attending such destruction; to an officer serving a warrant or process for seizing intoxicating liquor, or seizing the same under section 3590 [§ 3821], and apprehending the keeper, one dollar; for removing such liquor and keeping the same, his actual expenses; for destroying liquor under the order of the court, and making his return of each order, one dollar; for posting up the notices required in section 3623 [§ 3858*], one dollar; and to a prosecuting officer, in case of conviction before a justice, except when the complaint is for intoxication and the respondent pleads guilty, two dollars; which are to be taxed and so allowed in the bill of costs against the respondent.

Amount of; how taxed.
1876, No. 38; G. S. 94, § 31; 1852, No. 24, § 19.

FORMS.

SEC. 3859. Complaints for any offense against section 3572 [§ 3802] shall be substantially in the following form:

Complaints under §§ 3802, 3810.
G. S. 94, § 28; 1852, No. 24, § 18.

* The revisers' report to the general assembly shows that the reference to section 3623 should have been to section 3589, but the correction was not made; had it been, the bracketed reference would be § 3820 instead of § 3858.

27 Vt. 318. 41 Vt. 526.
27 Vt. 523. 41 Vt. 691.
36 Vt. 560. 43 Vt. 265.
36 Vt. 563. 47 Vt. 493.
39 Vt. 370. 52 Vt. 376.

STATE OF VERMONT, }
 ——— County, ss. } To A. B., justice of the peace for
 the county of ———, comes C. D., grand juror of the town
 of ———, in said county, and complains that E. F., of ———,
 on the ——— day of ———, A. D. ———, at ———, did at
 divers times sell, furnish, or give away, (as the case may be,)
 intoxicating liquor, without authority, contrary to the form of
 the statute in such case made and provided, and against the
 peace and dignity of the state.

C. D., *Grand Juror.*

And the justice to whom such complaint is made shall certify
 thereon, substantially as follows :

This complaint, exhibited to me this ——— day of ———,
 A. D. ———.

A. B., *Justice of the Peace.*

And for the offense of becoming a common seller, or manu-
 facturer, the complaint shall be in substantially the same form,
 inserting the words "became a manufacturer of" or "common
 seller of" in lieu of the words "did at divers times sell, fur-
 nish, or give away."

Each act provable as an
 offense; sentence.
 G. S. 94, § 30; 1852,
 No. 24, § 18.

SEC. 3860. Under the foregoing complaint, every distinct
 act of selling, furnishing or giving away may be proved and
 the court shall impose a fine for each offense, or, if the number
 exceeds five and not ten, the respondent shall be adjudged a
 common seller and be subjected to the penalties provided in
 section 3580 [§ 3810].

Describing offense in
 action of debt.
 G. S. 94, § 30; 1852,
 No. 24, § 18.

SEC. 3861. In informations, indictments and declarations
 in actions of debt founded upon this chapter, the description of
 the offense may be substantially [in] the same form so far as
 the case will admit.

Complaint and warrant
 for search and seizure.
 G. S. 94, § 29; 1855,
 No. 2, § 5.
 27 Vt. 328. 44 Vt. 208.
 31 Vt. 610. 47 Vt. 407.
 38 Vt. 387.

SEC. 3862. The complaint and warrant for the search for
 and seizure of liquor, as required by section 3587, [§ 3818]
 shall be in substance in the form following :

STATE OF VERMONT, } To A. B., justice of the peace, with-
 ——— County, ss. } in and for the county of ———, afore-
 said, come C. D., E. F., and G. H., voters in the town of
 ———, in said county, and complain that they have reason to
 believe and do believe that intoxicating liquor is by ——— kept
 or deposited in, [*here describe the place to be searched,*] and by
 ———, then and there in the town of ———, intended for sale,
 furnishing, gift, or distribution, contrary to the form of the statute
 in such case made and provided, and against the peace and
 dignity of the state; and we therefore pray that a warrant of
 search may issue in the premises.

Dated at ———, this ——— day of ———, A. D. ———.

The above named C. D., E. F., and G. H., exhibited this
 complaint to me, and made oath to the truth thereof this ———
 day of ———, A. D. ———.

Before me,

A. B., *Justice of the Peace.*

STATE OF VERMONT, } To any sheriff or constable in the state,
 ——— County, ss. } GREETING :

Whereas, complaint has been made to me upon oath, as

above written, therefore, by the authority of the state of Vermont, you are hereby commanded forthwith to enter and search the premises above described, to wit: [*here follows the description of the premises as above,*] and if any such intoxicating liquor is found therein, under circumstances warranting the belief that it is intended for sale, furnishing, gift, or distribution, contrary to the laws of this state relating to the traffic in intoxicating liquor for the purpose of drinking,—you are further commanded to seize it, and convey the same to some proper place of security, and the same keep until final action is had thereon, and to summon the owner or keeper of said liquor, (if he is known to you,) to appear before me at ———, and show cause, if any he has, why the said liquor should not be adjudged forfeited and ——— be dealt with according to the statute in such case made and provided: and for so doing this shall be your sufficient warrant.

Hereof fail not, but of this complaint and warrant, with your doings thereon, make return according to law.

Given under my hand at ———, in said county, this ——— day of ———, A. D. ———

A. B., *Justice of the Peace.*

SEC. 3863. The order for the destruction of liquor seized and declared forfeited, under section 3588 [§ 3819] shall be in substance in the form following:

Orders for destruction,
G. S. 94, § 30; 1855,
No. 2, § 6.

STATE OF VERMONT, } To any sheriff or constable in the state,
——— County, ss. } GREETING:

Whereas, the following described spirituous or intoxicating liquor, to wit: [*here describe the liquor,*] has been seized on a warrant of search, issued by A. B., a justice of the peace for the county of ———, upon complaint of C. D., E. F., and G. H., legal voters in the town of ———, by virtue of and in accordance with the provisions of section twenty-two of this chapter [§ 3819], in the town of ——— in ———;

And whereas, ———, as the owner or keeper of said liquor seized as aforesaid, having been duly summoned to appear before me as the law directs, did (or did not) appear, and on the hearing of the case it was not shown by satisfactory evidence to the ——— that said liquor is of foreign production, that it has been imported under the laws of the United States, and in accordance therewith, that it is contained in the original packages in which it was imported, and in quantities not less than the laws of the United States prescribe; and whereas, in the opinion of the ———, said liquor was kept or deposited, and intended for sale, furnishing, gift or distribution, contrary to the chapter aforesaid; said liquor has been by the ——— adjudged forfeited and ordered to be destroyed, in pursuance of the provisions of this chapter.

You are, therefore, by the authority of the state of Vermont, hereby ordered to destroy said liquor in the presence of ———, who has been duly appointed to witness the destruction thereof, and for so doing this shall be your sufficient authority and warrant.

Hereof fail not, but of this order and warrant, with your doings thereon, make return according to law.

Given under my hand at ———, this ——— day of ———, A. D. ———. A. B., *Justice of the Peace*.

And in cases arising under section 3590 [§ 3821] the complaint shall follow the same form, substantially, as far as the word "complains," and then proceed, in substance, as follows:

That E. F., of ———, on the ——— day of ———, A. D. ———, kept with intention to sell, [*or sold, as the case may be, in (describing the place)*] near [*describing the public occasion,*] in said county, the intoxicating liquor seized by me, and here produced, namely, [*describing the same briefly*] contrary to the form, &c., following the said form first mentioned.

Warrants on disclosure.
G. S. 94, § 34; 1853,
No. 27, §§ 11, 12.

SEC. 3864. The warrant provided for in section 3585 [§ 3816] shall be in substance in the following form:

STATE OF VERMONT, } To any sheriff or constable in the
——— County, ss. } state, GREETING:

Whereas, A. B., having been arrested while in a state of intoxication, and brought before the subscribing authority, has disclosed that the liquor whereby such intoxication was produced, was obtained from C. D., of ———, at ———, on or about the ——— day of ———, A. D. ———; and whereas it appears to the subscribing authority, from the disclosure of said A. B., that the furnishing of such liquor by said C. D. to said A. B. was an offense against the law relative to the traffic in intoxicating liquor, therefore,

By the authority of the state of Vermont, you are hereby commanded to arrest the body of the said C. D., and have him forthwith before the subscribing authority, at ———, to make answer to the charge so preferred against him, and abide such order, direction and decree therein as to said court shall seem meet in the premises.

Given under my hand at ———, this ——— day of ———, A. D. ———.

And the warrant of commitment for refusing to disclose according to the requirements of said section shall be, in substance, in the following form:

STATE OF VERMONT, } To any sheriff or constable in the
——— County, ss. } state, GREETING:

Whereas, A. B., sheriff of the county of ———, [*or constable, or grand juror, or justice of the peace, or selectman of the town of*] ———, on the ——— day of ———, A. D. ———, at ———, in said county, brought before me, C. D., a justice of the peace within and for said county of ———, said ———, charging him, the said ———, with having been found intoxicated and disturbing the public (or domestic) peace or tranquillity of ———, aforesaid on the ——— day of ———, A. D. ———, and the fact being found by me that the said ——— had been intoxicated, and had disturbed the public (or domestic) peace and tranquillity, he was by me ordered to disclose, under oath, the place where and the person of whom the liquor so producing intoxication was obtained, and the attending

circumstances, agreeably to the law relative to the traffic in intoxicating liquor; and the said —— having neglected and refused so to do, therefore,

By the authority of the state of Vermont, you are hereby commanded to take the body of the said ——, and him commit to the keeper of the jail in ——, in the county of —— aforesaid, within the said prison, who is hereby commanded to receive the said ——, and him safely keep until he makes such disclosure, or is discharged by me, or otherwise by order of law.

Hereof fail not and due return make.

Given under my hand this —— day of ——, A. D.

———. C. D., *Justice of the Peace.*

SEC. 3865. Complaints relating to nuisances under section one of this act [§ 3836] shall be substantially in the following form, and the same may be amended in the discretion of the court, either in form or substance, at any stage of the proceedings:

Complaint for keeping nuisance.
1880, No. 14, § 10;
1876, No. 33, § 5.

STATE OF VERMONT, } To A. B., justice of the peace, within
——— County, ss. } and for the county of ——, comes C. D., grand juror of the town (or city) of ——, in said county, and complains that E. F., of ——, in said county, heretofore, to wit, on the —— day of ——, A. D. ——, at ——, in said county, did unlawfully keep and maintain a certain place or room used as a place of resort, called and known as a [*here give the name of the place or room, whether saloon, billiard-room, bar-room or otherwise*], situated [*here give the location with reasonable certainty*], in the town (or city) of ——, in said county, in which, then and there, intoxicating liquor was kept for unlawful sale, furnishing or giving away [*or was unlawfully sold, furnished or given away, as the case may be*], [*or which was resorted to and used for gambling, as the case may be*], to the common nuisance of all the good people of this state, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state.

C. D., *Grand Juror.*

And the justice to whom the complaint is made shall certify thereon substantially as follows:

"This complaint exhibited to me this —— day or ——, A. D. ——.

A. B., *Justice of the Peace.*"

SEC. 3866. The order mentioned in section three [§ 3838] shall be substantially in the form following:

Order to abate nuisance.
1880, No. 14, § 11;
1876, No. 33, § 5.

STATE OF VERMONT, } To any sheriff or constable in the
——— County, ss. } state, GREETING:

Whereas, E. F., of ——, in said county, was on the —— day of ——, A. D. ——, before the undersigned, a justice of the peace in said county, convicted of keeping and maintaining a place of resort, called and known as a [*here describe the place, giving its name and location as in the complaint*], which has been adjudged a common nuisance and ordered to be abated.

Now, therefore, by the authority of the state of Vermont, you are hereby commanded forthwith to abate such nuisance, by shutting up the place aforesaid, upon giving the said E. F. reasonable notice to remove whatever goods and effects he may lawfully possess therein; and upon shutting up such place, you will post upon the door or main entrance to the same, a notice in words as follows: "Closed against E. F. of ———, by order of A. B., justice of the peace," and sign such notice in your official capacity.

Hereof fail not, but of your doings hereon make due return according to law.

Dated at ———, in said county, this ——— day of ———, A. D. ———.

A. B., *Justice of the Peace.*

COSTS OF DISCLOSURE, HOW TAXED.

Costs of disclosure
part of costs of prosecution thereon.
1878, No. 38, § 4.

SEC. 1741. When a person, arrested for being intoxicated, and brought before a justice to disclose, does disclose and the person furnishing the liquor producing such intoxication is, in pursuance of such disclosure, fined therefor, the costs of such disclosure shall be taxed as part of the costs of prosecution against the person so fined.

SUPPRESSION OF SALE AT DRILLS.

Prevention of sale of
liquor at drills.
1872, No. 1, § 34.

SEC. 3786. The commanding officer of an organization may, upon a day of drill or discipline of his command, suppress the sale or distribution of intoxicating liquor, beer or ale, by the arrest of parties offending, and seizure of such liquor, beer or ale; and he may place a guard so as to prevent the approach of a person to a place where there is suspicion that liquor, beer or ale is being sold contrary to law, in the town where such drill or discipline takes place.

SUPPRESSION OF SALE NEAR CAMP-MEETINGS.

What traffic within two
miles forbidden.
G. S. 93, § 7; 1840,
No. 6; R. S. 82, §§ 7,
8; 1827, No. 25, § 2;
1819, p. 20.

SEC. 4317. If a person within two miles of a place where a camp-meeting is held for religious worship, and during the continuance of such meeting, sells or offers for sale spirits or spirituous liquors, or exhibits shows or plays, or promotes or aids horse-racing or gaming, or sells or offers for sale victuals, drink, or merchandise, he shall be fined not more than forty dollars and not less than five dollars, to the use of the town in which such meeting is held; but this section shall not prevent licensed retailers, innkeepers, or other persons from pursuing their ordinary business at their usual place of doing business, nor prevent a person from selling victuals in his own house.

Jurisdiction. Prosecution.
1863, No. 9; G. S. 93,
§§ 8, 9; R. S. 82, §§ 9,
10; 1827, No. 25, § 2;
1819, p. 21.

SEC. 4318. Justices of the county shall have concurrent jurisdiction with the county court of offenses under the preceding section to the extent of fining the respondent twenty dollars, or may bind him over for trial. Prosecutions for such

TRAFFIC IN INTOXICATING LIQUOR.

offenses shall be commenced within thirty days after the commission of the offense, and not after. Presentment shall be made by constable and grand jurors of the town.

SEC. 4319. The president, vice-presidents and trustees of a camp-meeting association organized in pursuance of law, may act as a special police at any camp-meeting held by the association, and within two miles of the camp-meeting grounds, during the continuance of the camp-meeting, with the same power as is given to constables, to seize spirituous liquors, to demand assistance, and to arrest disorderly persons and detain them in custody until proper trial can be had; and such persons so authorized shall, before acting as such special police, be sworn, and while on duty shall wear a badge of office.

Who may act as special
police.
1874, No. 65.



I N D E X .

NOTE.—Sections 1741 and 3786 follow section 3866.

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